

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

RANDOLPH A. JACKSON, )  
                            )  
Plaintiff,             )  
                            )  
V.                        )                  Case No. CIV-05-361-L  
                            )  
J. LANCASTER, DEPUTY SHERIFF, )  
                            )  
Defendant.             )

**ORDER**

Plaintiff, a federal prisoner appearing *pro se*, brings this action pursuant to 42 U.S.C. § 1983 alleging a violation of his constitutional rights. This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Doyle Argo on December 13, 2005. The Magistrate Judge recommended that plaintiff's action be dismissed without prejudice for plaintiff's failure to serve the defendant within the time limits prescribed by Fed. R. Civ. P. 4(m).

The court file reflects that plaintiff filed an objection to the Report and Recommendation which the court has carefully considered. Plaintiff appears to be blaming the court clerk's office for his own failures to follow orders of the court. The papers plaintiff claims to have not received are, however, deemed delivered because they were sent to plaintiff's last known address. See LcvR5.5(a). Plaintiff also appears to be questioning the manner in which the Magistrate Judge

proceeded after the case was re-referred for further evaluation of plaintiff's claims. Of course, this also does not excuse plaintiff's failure to follow the clear orders of the Magistrate Judge. The Magistrate Judge properly found that no further permissive extensions of time should be granted. After having conducted a *de novo* review of the record, the court finds that the Report and Recommendation should be adopted in its entirety.

Accordingly, this action is **DISMISSED without prejudice.**

It is so ordered this 31st day of January, 2006.

  
TIM LEONARD  
United States District Judge